

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Criminal No. 06-328 (PAM/AJB)

Plaintiff,

v.

ORDER

Je Vang,

Defendant.

This matter is before the Court on Defendant's Objections to the Pre-Sentence Report, Request for Hearing, and Position on Sentencing. Although Defendant raised several issues, the Court will address only the fast-track program issue and will defer ruling on the other issues until sentencing.

Relying on 18 U.S.C. § 3553(a)(6), Defendant argues that the disparity created by the existence of fast-track programs in other jurisdictions is unwarranted. That argument fails in light of United States v. Sebastian, 436 F.3d 913, 916 (8th Cir. 2006), which held that sentencing disparities arising from the fast-track programs are not unwarranted. Accordingly, the Court denies Defendant's request for a variance on that ground.

Dated: February 14, 2007

s/ Paul A. Magnuson

Paul A. Magnuson
United States District Court Judge